

**SPRING CREEK UTILITY DISTRICT**  
**Minutes of the Special Meeting of**  
**Board of Directors/Joint Facilities Advisory Committee**  
August 29, 2023

The Board of Directors (the “Board”) of Spring Creek Utility District (the “District”) met in special session as part of a Joint Facilities Advisory Committee (“JFAC”) meeting, open to the public, in person and via videoconference\* in accordance with the duly posted notice of meeting and the Texas Open Meetings Act. The roll was called of the duly constituted officers and members of said Boards as follows:

Claude Humbert	-	President
Mark Fusca	-	Vice President
Frederick Sunderman	-	Secretary
Leslie Gourley	-	Assistant Secretary
Melvin Willcockson	-	Director

All of the said members were present except Director Willcockson, thus constituting a quorum.

Also present were Mason Mueller and Amber Hurd of Cobb, Fendley & Associates Inc. (“C-F”); John Montgomery and Lindsey Delong of Municipal Operations & Consulting, Inc. (“MOC”); Aric Braddock of ASB Services, Inc. (“ASB”); Calep Estes of Touchstone District Services (“Touchstone”); Jonathan Roach, Ray Arce, Jessica Gentry, and Jennifer Rodriguez of Roach & Associates, PLLC (“RAPLLC”); Josh Zientek\* of Mitchell & Zientek, legal counsel for Montgomery County Municipal Utility District No. 88 (“MC88”); Andrew Vaughn\* and Holly Huston\* of Allen Boone Humphries Robinson (“ABHR”), legal counsel for Montgomery County Municipal Utility District No. 89 (“MC89”); David Warner and Diego Burgos of Quiddity Engineering, LLC (“Quiddity”); Robert Veasey, Benjamin Slotnick, and Brandon Leary, Directors of MC89; Ryan Temple, Jacqueline Voss\*, and Ryan Tsamouris\*, Directors of MC88; and Terrance and Marcia Saprello, residents of the District. [\*Remote attendees]

Director Humbert called the meeting to order.

**PUBLIC COMMENTS**

Mr. Saprello inquired if the District had moved to a mandatory water stage yet.

**FUTURE WATER PLANT IMPROVEMENTS**

Mr. Burgos noted that they had discussed the modification options for Water Plant No. 2 at the last JFAC meeting and confirmed that they recently received bids for the design option chosen by the Boards. He further noted that he would present these bids at each District’s meeting in September and indicated that building would start in October. Director Sunderman stated that in their previous meeting, the Board had discussed the approval of an additional well, booster pumps, and had more discussion regarding the purple pipe.

## SECURITY AND CAMERAS FOR JOINT FACILITIES

Mr. Montgomery noted the cameras around the joint facility have been installed. He then discussed the fire that occurred a few days ago in the channel but confirmed there was no damage to the pump stations. Then, Director Humbert presented and reviewed the damage caused by the fire near the channel. Director Sunderman noted he had seen burn ban signs around the neighborhood. A discussion ensued regarding the City of Houston (“COH”) regulations on burn bans.

## JOINT EMERGENCY RESPONSE/ACTION PLAN AND DROUGHT CONTINGENCY PLAN (“DCP”) REVIEW

Mr. Montgomery reviewed Water Well No. 1’s (“Well 1”) pump levels for the three Districts, noting that the pumps had been lowered by 100 feet a few weeks before but had dropped significantly since then. He then pointed out that another ninety (90) days of no rain would force them into an emergency drought stage. Mr. Montgomery then presented the pump levels for Water Well No. 2 (“Well 2”) and Water Well No. 3 (“Well 3”), noting their decreasing levels, and recommended increasing the production in Well 3. He then suggested all three Districts go into Stage 2 of their Drought Contingency Plan (“DCP”) so their plans mirror each other. Director Fusca inquired about what Stage 2 includes. Ms. Delong noted that Stage 2 would have an average water well run time of 20 hours. Mr. Montgomery stated they are not yet in Stage 2 but requested the Board’s approval to make preparations in case of an emergency. Next, a lengthy discussion ensued regarding Stage 2 under a drought circumstance.

Director Fusca noted that the DCP should clearly define how each stage is enforced and suggested an additional charge to residents who overuse their water under Stage 2. Director Humbert agreed that would be a good way for residents to comply. Director Leary asked if they could put up signs indicating Stage 2. Then, a lengthy discussion ensued regarding signage. Mr. Arce suggested the Districts implement different tiers for their rates in the case of over-usage. Ms. Delong confirmed that they already have tiers that increase penalties as you move up in stages. After some discussion, Director Gourley motioned to authorize the Engineer and Operator to enter Stage 2 if necessary. Director Fusca seconded the motion, which passed unanimously.

Mr. Saprello inquired if there was a temporary solution. Director Veasey noted these drought situations depend on the environment; otherwise, there is no solution. Mr. Montgomery explained that increasing production in Well 3 would slow down Wells 1 and 2, making them go into Stage 2 of their DCP. Director Humbert noted that Lonestar Groundwater Conservation District (“LGCD”) should revise their plan to allocate water every five (5) years, but that they felt it was costly and claimed that Harris County (the “County”) had enough water.

## SJRA WATER LINE EXTENSION/FEASIBILITY STUDY

Mr. Burgos stated that the Districts are currently served with groundwater but had submitted a study done earlier in the year to the San Jacinto River Authority (“SJRA”) to qualify for surface water. He noted that the SJRA is reviewing its rate study to determine the additional cost of surface water compared to groundwater and that they should be done reviewing by October. He further indicated that he would monitor the SJRA’s agendas for any updates in the next few months. Next, a discussion ensued regarding the usage required for the SJRA to approve the use of surface water. Mr. Montgomery confirmed that he had talked with the SJRA about a Water Plant No. 2 study, noting they would be calling engineering firms this week with an update.

### **BUDGETS RELATED TO JOINT FACILITIES, INCLUDING POSSIBLE RECLAIMED WATER (PURPLE PIPE) PROJECTS**

Mr. Mueller noted that Paule Cote from MC89 attended Spring Creek Utility District’s last meeting to discuss a joint purple pipe feasibility study. He further indicated that they could discuss this idea once the District’s reclaimed water study has been completed. Director Veasey noted that working on a joint study would not be financially beneficial. Director Gourley stated that this would be expensive, but they would be saving drinking water now since it will become more costly in the future. Director Sunderman noted that this project would make their wells last longer. Ms. Hurd pointed out that the static levels have not dropped significantly. A discussion ensued regarding the levels of water that the Texas Commission on Environmental Quality (“TCEQ”) would permit.

### **DETENTION FACILITY MAINTENANCE**

Mr. Braddock noted that he had nothing new to report. He further stated that there is nothing to mow due to the recent fire near the channel. Mr. Braddock then explained that the South end of the channel was dry and that the North end was holding water. He then noted that a vertical rat cleaning would be done in November. Director Sunderman inquired about the backup generators. Mr. Braddock confirmed that the generators had been tested and that they do weekly autoruns. He then noted that a new development power company had dumped wood structures that were too heavy to remove by himself and confirmed that he would contact someone this week.

### **DISCUSSION OF PENDING BUSINESS AND MATTERS FOR FUTURE AGENDAS**

Mr. Roach noted that the next JFAC meeting would be on Friday, March 29, 2024, but inquired if the Boards would be interested in moving it to February or April. After some discussion, the Boards concurred to reconvene for their next JFAC meeting on Thursday, February 29, 2024, at 5:00 p.m.

The Board concurred to adjourn the Joint Facilities Advisory Committee (“JFAC”) meeting. Directors Veasey, Slotnick, Leary, Temple, Voss, Tsamouris, Messrs. Zientek, Warner, Burgos, Saprello, Ms. Huston, and Ms. Saprello exited the meeting.

Director Humbert called to order the Special Meeting for Spring Creek Utility District (the “District”).

## DISTRICT ADMINISTRATION BUILDING OPTIONS, INCLUDING PRE-QUALIFICATION PACKAGES

Director Humbert noted that C-F received five (5) Request for Qualification (“RFQ”) proposals from design-build companies and has ranked them in order of recommendation. Director Gourley noted there was no money available to decide on the Administration Building and that other projects should take priority. Director Sunderman discussed the debt owed and money in reserves, noting that it should be a financial priority. He then stated that if one of the District’s wells goes down, he would rather spend money on the booster pumps and rehabilitation for the wells. Director Humbert noted that they have been aware of their outstanding debt and have been paying it off. He further pointed out that the District has been building its operating fund. Director Gourley noted that the Administration Building would most likely cost more than their estimated number, and reviewing RFQs would not give them an idea of the cost.

Director Sunderman inquired if the District could ask one of the new developers for a designated space to hold District meetings. Mr. Roach noted that there are ways to go into a new or existing development and pointed out that the current developer’s plans are far enough along that adding a new facility would be a bit burdensome. Director Fusca noted that the Locke Tract development might work for a meeting room but would take away tenant space. He then suggested having an agreement to use the building once a month. A lengthy discussion ensued regarding solutions using developers' space for the District’s Administration Building. Director Fusca noted that no one is against building an Administration Building but thinks the drought has shown how inadequate the facilities will be in the next few months. Director Sunderman stated that an Administration Building is important but not as important as some projects waiting to be done. Director Humbert then explained the District's previous decisions to get other projects done.

Director Gourley inquired if Well No. 3 would be enough capacity for the new Cottage Green and Senior Living developments. Ms. Hurd noted that Well No. 3 is designed to serve 1,500 connections and that the new development would only be about 700 connections. Director Fusca inquired about the hiring process for a design-build company. Ms. Hurd explained that after the District chooses a candidate, they will enter into a contract negotiation for a price. She further noted that the complex numbers will be discovered once they start on the design and get to 30% completion. Ms. Hurd also noted that there have been districts that could not agree in the negotiation process and instead decided to move forward with the next highest candidate. The Board then discussed the agreement language that could be implemented if they wanted to move forward with a different candidate.

After some discussion, Director Fusca motioned to accept Grossman Design Build, LLC’s (“GDB”) proposal for the design-build of the Administration Building. Director Humbert seconded the motion, which passed three-to-one (3-1), with Director Sunderman abstaining. Director Sunderman noted the need for improvements in drainage at Fox Springs Park and inquired if they should have this done first. Director Fusca said more communication was needed to explain Stage 2 of their Drought Contingency Plan (“DCP”) to the residents. The Board then had a lengthy

discussion regarding the water level decrease, increase in rate order tiers based on usage, and a possible appeal process for families with children.

Messrs. Montgomery, Braddock, and Ms. Delong exited the meeting during the discussion.

#### **DISTRICT SIGNAGE AND RELATED MATTERS**

A discussion ensued regarding various sign companies to engage for changing “Fox Springs Park” to “Spring Creek District Park.” After the discussion, Director Sunderman motioned for Mr. Braddock to obtain three (3) sign proposals to present at their next regular meeting. Director Fusca seconded the motion, which passed unanimously.

#### **DISCUSSION OF PENDING BUSINESS AND MATTERS FOR FUTURE AGENDAS**

Director Fusca suggested a feasibility study for Riley Fuzzel to determine possible locations for a public lift station and Water Well No. 4.

#### **\*EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.071, 551.074, ET. SEQ.**

The Board entered into executive session at 7:16 p.m.

#### **RECONVENE IN OPEN SESSION AND AUTHORIZE ANY ACTION RESULTING FROM EXECUTIVE SESSION**

The Board reconvened in open session at 7:42 p.m.

Director Fusca motioned to authorize RAPLLC to respond to the Forest Village litigation lawsuit on MOC’s behalf. Director Gourley seconded the motion, which passed unanimously.

#### **DISCUSSION OF PENDING BUSINESS AND MATTERS FOR FUTURE AGENDAS CONTINUED**

The Boards concurred to reconvene for their next joint meeting on February 29, 2024. The District concurred to hold their next regular meeting on September 18, 2023, at 5:00 p.m. There being no further discussion, Director Sunderman motioned to adjourn the meeting. Director Gourley seconded the motion, which passed unanimously.

Passed and approved this 16<sup>th</sup> day of October 2023.

/s/ Frederick Sunderman  
Secretary, Board of Directors

(SEAL)

